

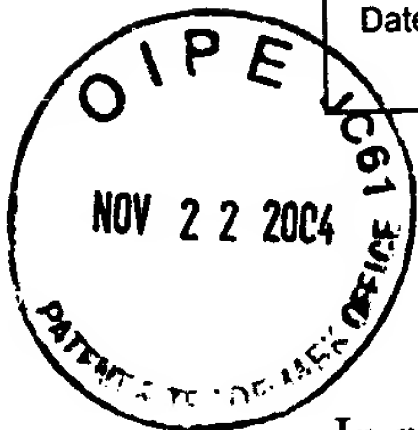
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 11/17/04, 2004

Signature: Judy Bridgwater

Judy Bridgwater

Docket No.: 300622005400  
(PATENT)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Daniel V. SANTI et al.

Application No.: 09/847,526

Filed: May 1, 2001

For: OVERPRODUCTION HOSTS FOR  
BIOSYNTHESIS OF POLYKETIDES

Allowed: October 28, 2004

Confirmation No.: 4025

Art Unit: 1636

Examiner: T. A. McKelvey

**COMMENTS ON EXAMINER'S AMENDMENT**  
**AND REQUEST FOR TRANSFER OF ISSUE FEE PREVIOUSLY PAID**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants have received the Notice of Allowance and Fees Due with Notice of Allowability containing Examiner's Amendment, dated October 28, 2004.

The Examiner's Statement contains addition of wording to the page containing the claims and also has canceled claims 9-20.

Applicants concur with the amendments of the Examiner and have no objection thereto.

**Request for Application of Previously Paid Issue Fee**

In accordance with the instructions included in the Decision on the Petition to Withdraw the Application from Issue (copy enclosed), Applicants request that the fee previously paid on June 29, 2004, in this matter be applied to payment of the Issue Fee due January 28, 2005. Attached hereto in support of this request are copies of the submission of Part B - Fee(s) Transmittal and the return receipt postcard reflecting receipt thereof on July 2, 2004 by the U.S. Patent and Trademark Office. The Issue Fee and Publication Fee have not been refunded to Applicants or their attorneys.

Applicants further state that the status claimed as large entity has changed and the Applicants qualify for small entity status for purposes of this application.

Applicants acknowledge that the issue fee is insufficient by \$20 and such insufficiency is included with the Issue Fee Transmittal submitted concurrently herewith.

Dated: 11/17/04, 2004

Respectfully submitted,

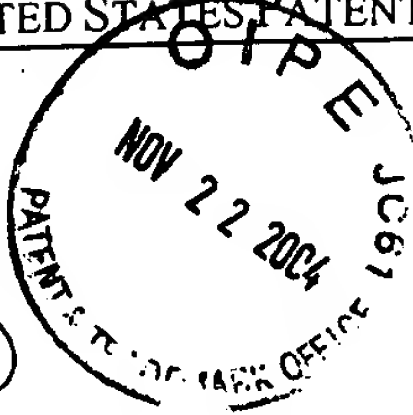
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Brenda J. Wallach, Ph.D.

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ON PETITION

In re Application of  
Daniel Santi et al  
Application No. 09/847,526  
Filed: May 1, 2001  
Attorney Docket No. 300622005400

COPY

This is a decision on the petition, filed August 18, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 2, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The examiner of Technology Center AU 1636 will consider the request for continued examination under 37 CFR 1.114.

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).